

REMARKS

Initially, Applicants would like to thank the Examiner for withdrawing the previous rejections as set forth in the previous Final Official Action dated August 25, 2006. Applicants would further like to thank the Examiner for indicating the allowability of claims 6-10 and 19-20, subject to the rejection of claims under 35 U.S.C. §112, second paragraph, being overcome.

In the outstanding Official Action, claims 1, 6, 11, 17 and 19 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-5 and 11-18 were rejected under 35 U.S.C. §103(a) over BROWN (U.S. Patent No. 6,101,478) in view of PROKOP (U.S. Patent No. 6,870,848). As noted above, claims 6-10 and 19-20 were indicated to be allowable, subject to the rejection of base and intervening claims under 35 U.S.C. §112, second paragraph, being overcome. Applicants traverse each of the outstanding rejections.

Applicants traverse the rejection of claims 1, 6, 11, 17 and 19 under 35 U.S.C. §112, second paragraph. In this regard, the outstanding Official Action indicated that it “is unclear whether interactive script is being sent one time for both of queries or the script is being sent two times separately for both of the queries”. The rejection of claims on this basis is improper, as there is no requirement under 35 U.S.C. §112, second paragraph, that claims be limited to one of two or more potential interpretations, particularly where an infringer could ascertain that infringing activity may occur based on any of the two or more potential interpretations. Accordingly, if the above-noted rejection of claims 1, 6, 11, 17 and 19 under 35 U.S.C. §112, second paragraph, is maintained, Applicants request a full explanation as to why such a requirement under 35 U.S.C. §112, second paragraph is believed to exist.

Applicants traverse the rejection of claims 1-5 and 11-18 under 35 U.S.C. §103(a) over BROWN (U.S. Patent No. 6,101,478) in view of PROKOP (U.S. Patent No. 6,870,848). Claim 1 recites a:

“method of collecting information, comprising...

sending an interactive text markup programming language script, using a session initiation protocol (SIP) message, to a communications device, the interactive script including at least a first query and a second query that is presented based on a response to the first query;
and

receiving the response to the first query and a response to the second query from the communications device, each of the response to the first query and the response to the second query being based upon input from a user of the communications device”.

The outstanding Official Action asserts that BROWN discloses “sending an... script... to a communications device, the interactive script including at least a first query and a second query that is presented based on a response to the first query “. The outstanding Official Action further asserts that BROWN discloses “receiving the response to the first query and a response to the second query from the communications device, each of the response to the first query and the response to the second query being based upon input from a user of the communications device”. Each of the above-noted assertions in the Official Action is incorrect.

In this regard, the cited portions of BROWN include a prompt “ANSWER QUERIES NOW? PRESS ANY BUTTON TO START”. The Official Action asserts that this is a first query. However, BROWN specifically distinguishes this prompt from the queries of a script as

otherwise disclosed in BROWN. Further, BROWN does not disclose that this prompt is sent to the communications device or that a response to this query is received from the communications device. Rather, this prompt is independent of the scripts that are sent to a device in BROWN, at least because such an initial prompt would be presented in BROWN regardless of which script is sent to the device. In any case, BROWN does not disclose that the noted prompt is part of a script that is sent to the device in BROWN.

Further, the cited portions of BROWN disclose that queries in a script are presented to a user. However, BROWN explicitly discloses, at col. 4, lines 20-26, that “[a]s the present invention has multi-user capabilities, it must identify each individual or individual type in order to select the correct script program”. That is, BROWN does not disclose that a second query in a script would be presented based on a response to the first query. Rather, a second query in BROWN is independent of a response to a first query, as the script is selected based on an initial identification of the individual user. In any case, BROWN does not disclose that any query is tied to a response to another query, such that a second query is presented based on a response to the first query.

The Official Action further acknowledges that BROWN does not disclose an “interactive text markup programming language script” or that such a script is sent “using a session initiation (SIP) message”. However, the Official Action asserts that PROKOP discloses sending “an interactive text markup programming language script, using a session initiation protocol (SIP) message”. Each of the above-noted assertions with respect to PROKOP is incorrect.

In this regard, the cited portions of PROKOP disclose that a “call state script 108” may

be used by a “call processing module 100” to determine “what the call processing module 100 should do next in the establishment, management, or termination of a call session”. While the above-noted call state script 108 may be implemented as an Extensible Markup Language (XMLTM) script, PROKOP does not disclose that the above-noted script is sent to a communications device, let alone that it is sent to a communications device using a session initiation (SIP) message. Rather, PROKOP discloses the conventional use of SIP to “initiate call sessions as well to invite members to a session”. PROKOP specifically discloses, at the cited portion at col. 6, lines 55-67, that a “SIP Invite request... contains a callee identifier Y...[and] an origination address X”.

Furthermore, there is no proper motivation to modify BROWN with the teachings of PROKOP or any other document to obtain the combination of features recited in claim 1. In particular, there is no proper motivation in any document of record to send “an interactive text markup programming language script, using a session initiation protocol (SIP) message, to a communications device” as recited in claim 1. The Official Action cited a motivation of controlling a call session over a data network as the motivation to modify BROWN. However, there is no shortcoming disclosed with respect to BROWN that would require modification with SIP to control call sessions over a data network, nor any shortcoming that would require further modification by sending an interactive text markup programming language script, using a session initiation protocol (SIP) message, to a communications device.

Additionally, BROWN is directed to a networked system for identifying an individual, communicating information to the individual, and remotely monitoring the individual, whereas

PROKOP is directed a method and apparatus for call processing in response to a call request from an originating device. These disparate aims of these two documents are not analogous, and the teachings of these documents are not properly combined.

Accordingly, neither BROWN nor PROKOP, whether considered alone or in any proper combination, discloses, suggests or renders obvious at least the numerous features recited in claim 1 as set forth above. Rather, as described above, even modification of BROWN with the teachings of PROKOP would not result in the combination recited in claim 1. Further, as described above, there is no proper motivation to modify BROWN with the teachings of PROKOP. Rather, the only motivation to modify BROWN with the teachings of PROKOP is the improper motivation to obtain Applicants' claimed combination in hindsight.

Further, BROWN in view of PROKOP fails to disclose, suggest or render obvious at least the features of independent claim 11 that are similar to the above-noted features recited in claim 1. In this regard, claim 11 recites a "method of interactively pre-screening caller information of a user using a communications device" with features similar to those noted above with respect to claim 1, as well as additional features including the interactive text markup programming language script being sent "from an information service".

Additionally, BROWN in view of PROKOP fails to disclose, suggest or render obvious at least the features of independent claim 17 that are similar to the above-noted features recited in claim 1. In this regard, claim 17 recites a "computer readable medium for storing a computer program that controls collection of information from a user of a communications device" with segments used to perform a method similar to the method recited in claim 1.

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Accordingly, claims 1, 11 and 17 are separately allowable over BROWN in view of PROKOP for at least the numerous reasons set forth above. Additionally, each of claims 2-5, 12-16 and 18 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Accordingly, reconsideration and withdrawal of the rejection of claims 1-5, 11-16 and 17-18 is respectfully requested.

Should there be any comments regarding this Response of the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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February 2, 2007
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